

### **DETAILED ACTION**

Claims 1-37 are pending in the instant application.

#### ***Election/Restrictions***

Applicant's election without traverse of Group 1 (claims 1-19) along with an election of species in the reply filed on February 11, 2008 is acknowledged.

Applicant has made an election of species in the instant case. The search has been expanded to cover the following subgenus of compounds:

A and B are C<sub>0</sub> alkyl;

Y is optionally substituted 2-pyridyl;

X is optionally substituted phenyl;

all other substituents are as defined.

As stated in the lack of unity requirement of January 9, 2008, "the generic structure of Formula I does not have a constant core structure, therefore the species do not have a special technical feature linking them together." The Examiner has set forth currently a subgenus that has a constant core structure and has unity of invention. Applicant is strongly suggest to cancel the subject matter that is outside of the above subgenus and pursue it in a divisional application as it will not be searched in the instant application. Therefore, claims 1-19 (in part) are withdrawn from consideration by the Examiner under 37 CFR 1.142(b) as being drawn to a non-elected invention. Claims 20-37 are currently withdrawn from consideration as being drawn to a non-elected invention, but shall be rejoined once the claims of Group I are allowable such that Groups I and II have unity of invention.

***Priority***

The claim to priority as a 371 filing of PCT/US03/07074 filed March 7, 2003, which claims priority to 60/363,456 filed March 12, 2002 is granted in the instant application file.

***Information Disclosure Statement***

The Information Disclosure Statements filed on December 20, 2005 and February 11, 2008 have been considered by the Examiner.

***Claim Objections***

Claims 1-19 are objected to for containing elected and non-elected subject matter. The non-elected subject matter has been identified supra.

***Conclusion***

Claims 1-19 are objected to. Claims 1-19 are currently free of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Kosack whose telephone number is (571)272-5575. The examiner can normally be reached on M-Th 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571)-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1626

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/REI-TSANG SHIAO /  
Primary Examiner, Art Unit 1626

/Joseph R Kosack/  
Examiner, Art Unit 1626